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Attorneys for Plaintiffs
ARK Diagnostics, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

ARK DIAGNOSTICS, INC., a California
corporation,

Plaintiffs,

v.

THERMO FISHER SCIENTIFIC INC., a
Delaware corporation; and SERADYN
INC., a Delaware corporation,

Defendants.

Case No. 09-3132 PJH

**STIPULATION OF DISMISSAL WITH
PREJUDICE AND ORDER**

The undersigned hereby stipulate pursuant to the terms of their settlement agreement that the instant action, Case No. 09-3132 PJH, is hereby dismissed with prejudice. Each party shall bear its own costs, expenses and attorneys' fees.

SO STIPULATED.

1 Dated: November 5, 2009

MORGAN, LEWIS & BOCKIUS LLP

2
3 By Daniel Johnson, Jr.
4 Daniel Johnson, Jr.
5 Attorneys for Plaintiffs
6 ARK DIAGNOSTICS, INC.

7 Dated: November 3, 2009

8
9 By Denise Riemann
10 Denise Riemann
11 Attorneys for Defendants
12 THERMO FISHER SCIENTIFIC INC. and
13 SERADYN INC.

14
15 11/17/09

